

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor
Deutsche Bank National Trust Company, as Trustee for
Morgan Stanley IXIS Real Estate Capital Trust 2006-1

In Re:
Patricia P. Kicki

Debtors.



Order Filed on January 30, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-16540-MBK

Adv. No.:

Hearing Date: 10/17/2016 @ 10:00 a.m..

Judge: Michael B. Kaplan

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: January 30, 2018

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

(Page 2)

Debtor: Patricia P. Kicki

Case No: 16-16540-MBK

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Deutsche Bank National Trust Company, as Trustee for Morgan Stanley IXIS Real Estate Capital Trust 2006-1, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 1437 Ottawa Court Toms River, NJ 08753, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Andrew Thomas Archer, Esquire, attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of December 1, 2017, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due August 2016 through December 2017 with \$981.13 in suspense for a total post-petition default of \$25,451.12 (3 @ \$1,294.05; 6 @ \$1,310.15; 8 @ \$1,836.15 less suspense balance of \$981.13)

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$25,451.12 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume January 1, 2018, directly to Secured Creditor's Servicer, Specialized Loan Servicing LLC (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Debtor shall file a modified plan within fifteen days of the date of this order

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Patricia P. Kicki
Debtor

Case No. 16-16540-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2018.

db +Patricia P. Kicki, 1437 Ottawa Ct, Toms River, NJ 08753-2972

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Andrew L. Spivack on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY IXIS REAL ESTATE CAPITAL TRUST 2006-1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-1 nj.bkecf@fedphe.com

Andrew Thomas Archer on behalf of Debtor Patricia P. Kicki aarcher@brennerlawoffice.com, bankruptcy@brennerlawoffice.com/r64966@notify.bestcase.com

Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for Morgan Stanley IXIS Real Estate Capital Trust 2006-1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

James Patrick Shay on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY IXIS REAL ESTATE CAPITAL TRUST 2006-1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-1 james.shay@phelanhallinan.com

Jason Brett Schwartz on behalf of Creditor Capital One Auto Finance jschwartz@mesterschwartz.com

TOTAL: 7